

IN THE HIGH COURT OF UTTARANCHAL

AT NAINITAL

Writ Petition No. 740 of 2005 (S/S)

Smt. Meera Pant
W/o Shri I.D. Pant
Presently posted as Head Mistress
Kanya Junior High School, Nali-Bel
Gangolihat, Pithoragarh ... Petitioner

Versus

1. Additional District Education Officer/
District Basic Education Officer, Pithoragarh
2. Additional Director of Education Basic
Kumaon Region, Nainital.
3. Director of Education (Basic)
Uttaranchal, Dehradun ... Respondents

Smt Bina Pandey, learned counsel for the petitioner.
Sri Paresh Tripathi, learned Standing Counsel for the respondents.

Hon'ble B.C. Kandpal, J.

By way of this Writ Petition, the petitioner has sought a writ in the nature of mandamus commanding the respondents to pass appropriate order on the representation of the petitioner dated 07.03.2005.

Brief facts giving rise to this writ petition are that the petitioner was appointed as an Assistant Teacher Primary Pathshala Marh, Block Muna Kot, District Pithoragarh on 03.11.1977. The petitioner was transferred to another Block in December, 1978 and again in July 1982 she was transferred to another Block. The petitioner was promoted as Assistant Teacher in Junior High School Kheti Khan (Champawat) in December, 1985.

The petitioner again transferred in the year 1988, thereafter the petitioner was promoted to the post of Head Mistress in Kanya Junior High School, Dungara Sethi,

Champawat in August, 1994 and she continued to serve till March, 1999. The petitioner was thereafter transferred to Kanya Junior High School Nali Bel (Gangoli Hat) where she is presently serving.

The petition further reveals that Kanya Junior High School Nali Bel is situated in the remote area of District Pithoragarh which is over 70 kms. from Pithoragarh District Head quarters where no medical facilities are available. The petitioner is suffering from diabetes and high blood pressure and she has also had a major operation in January, 1994 regarding back and spinal cord at King George Medical College, Lucknow. Her medical condition requires regular medical check-up and from Nali Bel her medical check up is not possible. It has also been mentioned in the writ petition that she was hospitalized for treatment of her retina at Drishti Eye Centre, Dehradun and still she require regular Check up.

The petitioner has also averred that respondent no. 1, i.e., Additional District Education Officer / District Basic Education Officer, Pithoragarh issued a letter to Additional Director Medical Health for examining the petitioner and the petitioner appeared before the Regional Medical Board, Nainital who submitted the report which has been annexed as annexure-3 to this writ petition. It has also been mentioned in the writ petition that the petitioner is running from pillar to post for getting herself transferred to a place near to District Head Quarters on medical grounds but the respondents are sitting tight over the matter and no direction regarding the transfer of the petitioner is being issued which is causing great hardship.

The petitioner has also averred that in a similarly situated circumstances one teacher has been directed to be transferred on medical ground by this court and as the

case of the petitioner is similar with that case, therefore, she may also be provided the relieve by this court.

Heard learned counsel for the parties and perused the record.

The petitioner cannot claim the ground of parity.

In case, if the averment made by the petitioner is taken into consideration, I come to the conclusion that the respondents should take up the mater in a positive and sympathetic way.

The writ petitioner is accordingly disposed of finally with a direction that the representation filed by the petitioner dated 07.03.2005 shall be decided by the respondent no. 1 within a period of one month by passing speaking and reasoned order.

(B.C. Kandpal, J.)

14th June, 2005
Shiv